

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALBERTO RIVERA,

19cv1759 (JGK)

Plaintiff,

ORDER

- against -

MASHBILL WINE & SPIRITS et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 11-13-19

JOHN G. KOELTL, District Judge:

The Court has reviewed the Report and Recommendation of Magistrate Judge Lehrburger, dated October 9, 2019. The Magistrate Judge recommends that the case be dismissed pursuant to Federal Rule of Civil Procedure 41(b) based on the plaintiff's failure to continue prosecuting this case. In the alternative, the Magistrate Judge recommends that the case be dismissed as a sanction for the plaintiff's failure to comply with multiple court orders.

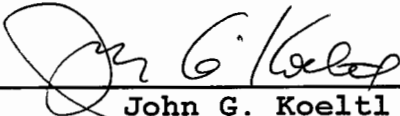
No objections have been filed to the Report and Recommendation, and the time for any objections has passed. In any event, the Court finds that the Report and Recommendation is well-reasoned and its conclusions are well founded.¹ The Court therefore adopts the Report and Recommendation. Therefore, the

¹ The Report and Recommendation is well reasoned with respect to the analysis of Federal Rule of Civil Procedure 41(b). Because this case should be dismissed pursuant to Rule 41(b), it is unnecessary to decide whether it would also be appropriate to dismiss the case as a sanction for the plaintiff's failure to comply with multiple court orders.

Court dismisses the case without prejudice.² The Clerk is directed to enter judgment accordingly. The Clerk is also directed to close all pending motions and to close the case.

SO ORDERED.

Dated: New York, New York
November 12, 2019



John G. Koeltl
United States District Judge

² A dismissal without prejudice is a less drastic alternative to a dismissal with prejudice.